

ESTTA Tracking number: **ESTTA730896**

Filing date: **03/02/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	LinkedIn Corporation
Granted to Date of previous extension	03/02/2016
Address	2029 Stierlin Court Mountain View, CA 94043 UNITED STATES

Attorney information	Judd D. Lauter Cooley LLP 1299 Pennsylvania Ave. NW, Suite 700 Washington, DC, DC 20004 UNITED STATES jlauter@cooley.com, jcullum@cooley.com, aanderson@cooley.com, trademarks@cooley.com Phone:202-728-7052
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### Applicant Information

Application No	86314879	Publication date	11/03/2015
Opposition Filing Date	03/02/2016	Opposition Period Ends	03/02/2016
Applicant	Varshabi, Shahrouz Apt 3W New York, NY 10128 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing a website featuring technology which allows users, namely, design students, alumni and faculty of design schools and employers to upload, locate, download and share information in order to learn, teach, and work in real-world projects such as freelance design projects, internships, workshops and conferences


### Grounds for Opposition

Dilution by blurring	Trademark Act section 43(c)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4023511	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE


Word Mark	IN
Design Mark	
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface

U.S. Registration No.	4023512	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00		

	Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface
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U.S. Registration No.	4023513	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface		

U.S. Registration No.	3971642	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface

U.S. Registration No.	3959413	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing op-		

	portunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	3959419	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.
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Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	3959420	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	<p>Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking</p>		


U.S. Registration No.	3963244	Application Date	07/16/2009
Registration Date	05/17/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking

U.S. Registration No.	4067996	Application Date	07/16/2009
Registration Date	12/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region		

U.S. Registration No.	4158263	Application Date	07/16/2009
Registration Date	06/12/2012	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region; organizing and conducting job fairs; providing online interactive employment counseling

U.S. Registration No.	3074241	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		

U.S. Registration No.	3074242	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			



Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services

U.S. Registration No.	3704030	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "in" shown inside a square with shaded background.
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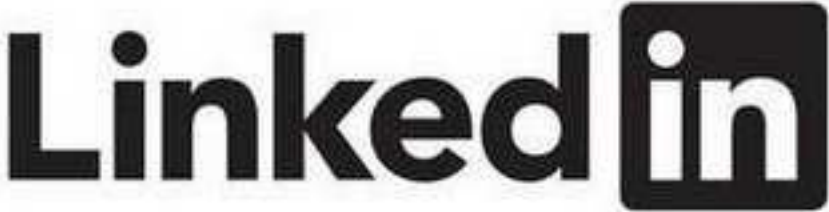
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services
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U.S. Registration No.	3704031	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services

U.S. Registration No.	3971643	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE

Word Mark	LINKEDIN
Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest

U.S. Registration No.	4016684	Application Date	07/16/2009
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Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "in" shown inside a square with a shaded background.		
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest		

U.S. Registration No.	4016685	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services,namely, conducting seminars, work-shops,conferences and exhibitions featuring instructional presentations in the fieldsof personal development, career development, relationship building and social networking; entertainment and educationalservices, namely, conducting discussiongroups in the fields of personal development, career development, re-lationship building and social networking; on-line journals, namely, blogs featur-ing information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest

U.S. Registration No.	4016687	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE


Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
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Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services,namely, conducting seminars, work-shops,conferences and exhibitions featuring instructional presentations in the fieldsof personal development, career development, relationship building and social networking; entertainment and educationalservices, namely, conducting discussiongroups in the fields of personal development, career development, re-lationship building and social networking; on-line journals, namely, blogs featur-ing information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest
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U.S. Registration No.	3967561	Application Date	07/16/2009
Registration Date	05/24/2011	Foreign Priority	NONE


		Date	
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, audio and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>		

U.S. Registration No.	3979174	Application Date	07/16/2009
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet;</p>		

	computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest
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U.S. Registration No.	3971641	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		
Goods/Services	Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users		

	to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest
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U.S. Registration No.	3971640	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications		

	networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest
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Attachments	77982133#TMSN.png( bytes ) 77982139#TMSN.png( bytes ) 77982142#TMSN.png( bytes ) 77981734#TMSN.png( bytes ) 77981556#TMSN.png( bytes ) 77981607#TMSN.png( bytes ) 77981608#TMSN.png( bytes ) 77981606#TMSN.png( bytes ) 77982578#TMSN.png( bytes ) 77982924#TMSN.png( bytes ) 78245639#TMSN.png( bytes ) 78245676#TMSN.png( bytes ) 77349546#TMSN.png( bytes ) 77349553#TMSN.png( bytes ) 77981735#TMSN.png( bytes ) 77982134#TMSN.png( bytes ) 77982140#TMSN.png( bytes ) 77982144#TMSN.png( bytes ) 77981731#TMSN.png( bytes ) 77981780#TMSN.png( bytes ) 77981733#TMSN.png( bytes ) 77981732#TMSN.png( bytes ) Notice of Opposition re DESIGNEDIN Design by Shahrouz Varshabi (86314879) US.pdf(122749 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Judd D. Lauter/
Name	Judd D. Lauter
Date	03/02/2016



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/314,879  
For the Trademark DESIGNEDIN A COMMUNITY OF DESIGN STUDENTS AND  
EMPLOYERS. & Design  
Published in the *Official Gazette*  
on November 3, 2015

LINKEDIN CORPORATION,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
SHAHROUZ VARSHABI,	)	
	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer LinkedIn Corporation (“LinkedIn”), a Delaware corporation having its principal place of business at 2029 Stierlin Court, Mountain View, California 94043, believes that it will be damaged by the issuance of a registration for the mark DESIGNEDIN A COMMUNITY OF DESIGN STUDENTS AND EMPLOYERS. & Design in Application Serial No. 86/314,879 filed June 19, 2014 by Shahrouz Varshabi, an individual residing at Apt 3W, 332 East 90th Street, New York, New York, United States 10128 (“Applicant”). LinkedIn hereby opposes Applicant’s application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, LinkedIn alleges that:

1. LinkedIn operates the world's largest professional network on the internet with more than 300 million members in over 200 countries and territories. LinkedIn continues to grow at a rate of approximately two new members every second. LinkedIn's networking software and services facilitate the ability of individuals to identify and pursue career opportunities, the ability of employers and recruiters to identify and recruit the best talent for career opportunities, and the ability of all users to form networks and share information on a wide variety of topics. LinkedIn's members include a wide range of individuals seeking to engage in business and community networking and exchange information and resources across a broad spectrum of topics. Among LinkedIn's most prominent offering are its offerings in the educational field. The LinkedIn network offers users the opportunity to identify and engage with others on a wide variety of educational topics in the business and professional fields. Within the last year, LinkedIn acquired Lynda.com, a leading provider of educational services for persons seeking to advance their skills and knowledge in the business and professional fields. *See* Paul Fain, *A Higher Profile* published in *Inside Higher Ed*, Apr. 10, 2015 <https://www.insidehighered.com/news/2015/04/10/linkedin-continues-move-higher-education-purchase-lyndacom-15-billion> (covering LinkedIn's acquisition of Lynda.com and noting that "LinkedIn has become a company to watch in higher education."). In addition, the college student population is among the most important demographics served by LinkedIn and LinkedIn offers many services directed to this population including services facilitating college and career decision-making. In addition, thought leaders from diverse industries routinely post comments and analyses relevant to the business community and many of these leaders, known as LinkedIn Influencers, have garnered substantial followings for their commentary and insights offered in the business and personal advancement fields. Moreover, LinkedIn users have the ability to form

and join groups, each of which is centered on a particular subject. Groups offer members a more focused network within which to promote their services, develop personal and professional connections, identify business opportunities and share resources. Many of these groups are focused on education and internships. LinkedIn offers its networking services via its website at linkedin.com and also via a mobile application.

2. Since its launch in 2003, LinkedIn has continuously used the marks LINKEDIN, LINKEDIN & Design, and IN & Design (collectively the “LINKEDIN Marks”) in interstate commerce in the United States in connection with its software and services.

3. LinkedIn is the owner of numerous U.S. registrations for the LINKEDIN Marks on the Principal Register including without limitation: U.S. Registration No. 3,971,642 issued on May 31, 2011 and Registration Nos. 4,023,511, 4,023,512, and 4,023,513 issued on September 6, respectively, and covering, *inter alia*, “...computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development...” in Class 9; U.S. Registration Nos. 3,959,413, 3,959,419, and 3,959,420 issued on May 10, 2011, and U.S. Registration No. 3,963,244 issued on May 17, 2011, and covering, *inter alia*, “advertising and marketing services, namely, promoting goods and services for businesses; ...promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; ...electronic commerce services, namely,

providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking” in Class 35; U.S. Registration Nos. 4,067,996 and 4,158,263 issued on December 6, 2011 and June 12, 2012, respectively, and covering, *inter alia*, “...organizing and conducting job fairs; providing online interactive employment counseling” in Class 35; U.S. Registration Nos. 3,074,241 and 3,074,242 issued on March 28, 2006 and U.S. Registration Nos. 3,704,030 and 3,704,031 issued on November 3, 2009 and covering “[o]nline business networking services” in Class 35; U.S. Registration No. 3,971,643 issued on May 31, 2011, and U.S. Registration Nos. 4,016,684, 4,016,685, and 4,016,687 issued on August 23, 2011 covering “entertainment and educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest” in Class 41; and U.S. Registration Nos. 3,967,561 and 3,979,174 issued on May 24, 2011 and June 14, 2011, respectively, and U.S. Registration Nos. 3,971,641 and 3,971,640 issued May 31, 2011 and covering, *inter alia*, “computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for

registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; ...computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest” in Class 42.

**4.** LinkedIn also owns common law rights in the LINKEDIN Marks arising from its continual use of these marks in connection with its software and services offerings since 2003.

**5.** LinkedIn has expended considerable effort and expense in promoting the LINKEDIN Marks and the software and services offered in connection with these marks, both in the United States and internationally, and the Marks embody the substantial and valuable reputation and goodwill that LinkedIn has earned in the marketplace for its high quality networking software and services.

**6.** In addition to its own advertising efforts, LinkedIn has been the subject of thousands of unsolicited stories in the media, highlighting LinkedIn’s innovative and successful online networking software and services. LinkedIn has also received awards and recognitions for its innovative offerings.

7. As a result of LinkedIn's widespread use of the LINKEDIN Marks worldwide, extensive advertising and promotion and continuous and unsolicited media coverage, as well as the high degree of consumer recognition of the LINKEDIN Marks, the strong and loyal base of customers that LinkedIn enjoys for its software and services, and LinkedIn's trademark registrations, among other factors, the LINKEDIN Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

**APPLICANT AND ITS PENDING APPLICATION**

8. Applicant seeks to register the mark DESIGNEDIN A COMMUNITY OF DESIGN STUDENTS AND EMPLOYERS. & Design ("Applicant's Mark") in connection with "providing a website featuring technology which allows users, namely, design students, alumni and faculty of design schools and employers to upload, locate, download and share information in order to learn, teach, and work in real-world projects such as freelance design projects, internships, workshops and conferences" in Class 42.

9. This application was published in the *Official Gazette* of the PTO on November 3, 2015. LinkedIn filed a Request for Extension of Time to Oppose on December 2, 2015, which was granted, extending the time to oppose to March 2, 2016. This Opposition is timely filed.

10. Applicant's Mark is substantially similar to the LINKEDIN Marks in sight, sound, and overall commercial impression. In particular, Applicant's Mark, as depicted in its design form, is displayed in blue and white colors similar to the colors used by LinkedIn to display the LINKEDIN & Design and IN & Design marks. Applicant's Mark also emphasizes the IN formative by displaying it in a different color than "DESIGNED" and set apart from that term. In addition, the formative "DESIGNED" is used in the past tense like the "LINKED" element of the LINKEDIN Mark. Moreover, the descriptive text included in Applicant's Mark,

namely “A community of design students and employers,” furthers the likelihood of confusion in that it merely describes the employment networking features of Applicant’s services which are highly similar to, if not identical to, the services for which LinkedIn has become a household name.

**11.** The services intended to be offered under the Mark are substantially similar, if not identical, to those provided by LinkedIn. LinkedIn counts among its users a substantial population of students and educational professionals and offers services particularly directed to this demographic. See, for example, LinkedIn Higher Education at <https://university.linkedin.com/> and LinkedIn’s YOUNIVERISTY offering which assists students in identifying the best colleges and universities for their interests and needs at <https://www.linkedin.com/edu/>. In addition to the foregoing, under the LINKEDIN Marks LinkedIn provides via its website and its mobile app services which directly targeted to the education field, including services directed to enabling students, educational professionals and other users to access educational materials in their chosen field of interest, to improve skills and knowledge, and to connect with others and follow others as mentors and leaders in their fields of interest. Further, Applicant’s services apparently are intended to facilitate the search for and identification of career opportunities, i.e. as stated in the application, to “work in real-world projects such as freelance design projects, internships, workshops and conferences.” As such, Applicant’s proposed services directly overlap with LinkedIn’s networking services which are directed to facilitating the ability of users to identify and pursue career opportunities.

**12.** On information and belief, and based on Applicant’s description of services in the Application, Applicant’s services are similarly intended to facilitate and feature the sharing of

content and information among users in the field of education and student and business networking and the identification and pursuit of career and employment opportunities..

13. Applicant's offering is therefore directly overlapping with LinkedIn's offering.

14. Due to the similarities in commercial impression with the LINKEDIN Marks and the direct overlap in offerings, Applicant's Mark is likely to create consumer confusion.

15. Upon information and belief, Applicant selected Applicant's Mark with knowledge of the LINKEDIN Marks.

16. LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

17. There is no issue as to priority of use. LinkedIn began using its LINKEDIN Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the filing date of the application for Applicant's Mark.

**FIRST GROUND FOR OPPOSITION  
LIKELIHOOD OF CONFUSION**

18. LinkedIn incorporates by reference paragraphs 1 through 17, inclusive, as if fully set forth here.

19. Applicant's Mark is highly similar to the LINKEDIN Marks in appearance, sound, and commercial impression because it is displayed in colors similar to those used by LinkedIn to display the LINKEDIN Marks, its first formative (*i.e.*, DESIGNED) is used in the past tense and is coupled with the formative "IN," which is set apart from "DESIGNED." Applicant's Mark thereby creates a commercial impression similar to the overall commercial impression of the LINKEDIN Marks.



**20.** The services offered by each party are closely related. According to the identification of services in the subject application, Applicant intends to use Applicant's Mark in connection with "[p]roviding a website featuring technology which allows users, namely, design students, alumni and faculty of design schools and employers to upload, locate, download and share information in order to learn, teach, and work in real-world projects such as freelance design projects, internships, workshops and conferences." As set forth above, these services are related to and overlapping with LinkedIn's services.

**21.** LinkedIn is not affiliated or connected with Applicant or its services; nor has LinkedIn endorsed or sponsored Applicant or its services.

**22.** Registration of Applicant's Mark will injure LinkedIn by causing the public to be confused or mistaken into believing that the services provided by Applicant are endorsed or sponsored by LinkedIn. LinkedIn has no control over the nature and quality of the services offered by Applicant under Applicant's Mark, and LinkedIn's reputation and goodwill will be damaged and the value of the LINKEDIN Marks jeopardized, all to LinkedIn's detriment.

**23.** Accordingly, registration of the mark herein opposed will damage LinkedIn because Applicant's mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus Applicant's Mark is unregistrable under Sections 2(d) and 3 of the United States Trademark Act, as amended, 15 U.S.C. §§1052 and 1053, and should be refused registration.

**SECOND GROUND FOR OPPOSITION  
DILUTION OF A FAMOUS MARK**

**24.** LinkedIn incorporates by reference paragraphs 1 through 23, inclusive, as if fully set forth here.

**25.** The LINKEDIN Marks are highly distinctive of LinkedIn's software and services.

**26.** LinkedIn has used the LINKEDIN Marks since at least 2003 for its networking services and related services, including providing access to and facilitating the sharing of information on a wide variety of topics, as alleged. LinkedIn has also used the LINKEDIN Marks since at least as early as 2007 for its education services.

**27.** LinkedIn has extensively advertised and promoted the LINKEDIN Marks. LinkedIn and the LINKEDIN Marks have also enjoyed extensive media attention.

**28.** As a result of the considerable publicity afforded the LINKEDIN Marks, and the strong and loyal base of customers that LinkedIn enjoys for its software and services, the LINKEDIN Marks have a high degree of consumer recognition.

**29.** LinkedIn is the owner of U.S. registrations for the LINKEDIN Marks.

**30.** Apart from unauthorized infringing uses of such marks, LinkedIn is not aware of any material use of any highly similar mark by others.

**31.** Accordingly, when the public encounters the term LINKEDIN, it immediately associates the term with LinkedIn, and thus the LINKEDIN Marks are famous.

**32.** The LINKEDIN Marks became famous before Applicant filed its application for Applicant's Mark on June 19, 2014.

**33.** Applicant's Mark is similar to the LINKEDIN Marks, and it is likely to cause dilution of the famous LINKEDIN Marks, including dilution by blurring, all to LinkedIn's damage.

**34.** Registration of the mark herein opposed is likely to dilute LinkedIn's famous LINKEDIN Marks by creating an association between the marks that impairs the distinctiveness

of the LINKEDIN Marks. Thus, Applicant's Mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(c) of the United States Trademark Act.

**35.** Wherefore, LinkedIn prays that this Opposition be sustained, and that Application Serial No. 86/314,879 be refused.

Please recognize the following as attorneys for LinkedIn in this proceeding: Janet L. Cullum, Anne H. Peck, Peter J. Willsey, and Judd D. Lauter (members of the Bar of the States of New York, California or Virginia), and the firm of Cooley LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at the address below.

In accordance with 37 C.F.R. §§ 2.101 and 2.6(a)(17), the fees for one International Class for the opposed application are submitted herewith.

Respectfully submitted,  
COOLEY LLP  
Janet L. Cullum

Date: March 2, 2016

By: /Janet L Cullum/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2016, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by mailing said copy via First Class Mail, postage prepaid to Applicant's attorney at the following address:

Thomas D. Foster  
TDFoster - Intellectual Property Law  
11622 El Camino Real, Suite 100  
San Diego, California 92130

Date: March 2, 2016

/Judd D. Lauter /  
Judd D. Lauter